

REMARKS

In response to the Office action mailed December 28, 2009, the Examiner's claim rejections have been considered. Applicant respectfully traverses all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Interview Summary

Applicant's counsel would like to thank the Examiner for the courtesy of discussing the pending claims in view of the cited references in a telephonic interview on February 26, 2010. Primarily, claim 1 was discussed in view of the cited references. A possible amendment to claim 1 including clarifying that the contour lines "surround" the data points and represent points of equal value was also discussed. On an initial review, the Examiner agreed that such an amendment would overcome the current rejection of the claims. It was also agreed that page 8, lines 9-20 and FIG. 2 of the current application provided support for the proposed amendment discussed during the telephonic interview. Therefore, independent claims 1 and 8 have been amended to include these limitations.

2. Drawing Figures

Applicant would like to note that formal drawing figures are currently being prepared to replace the current drawing figures on file for this application. The replacement drawing figures will be filed with the USPTO when they are completed.

3. Claim Rejection – 35 U.S.C. § 102 – Claims 1-5 and 8-12

The Examiner has rejected claims 1-5 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Hughes et al. in view of Wong. Applicant respectfully traverses this rejection. For the sake of brevity, the rejections of the independent claims 1 and 8 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the cited references, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

As agreed upon between Applicant's counsel and the Examiner during the February 26, 2010 telephonic interview, claim 1 has been amended to recite "one or more contour lines surround one or more of the data points, each contour line representing data values of equal value and which are less than the data value of the data point around which the contour line is displayed." A similar amendment has also been made to claim 8. Support for these amendments can be found in the current application at least on page 8, lines 9-20 and FIG. 2, which shows contour lines surrounding data points.

As stated by the Examiner on page 3 of the Office action, "Hughes fails to specifically show: ... wherein the contour generator is configured to generate and display data points corresponding to the data values and one or more contour lines around one or more of the data points, each contour line representing data values which are less than the data value of the data point around which the contour line is displayed." Furthermore, the line graph shown in FIG. 113 of Wong also does not disclose contour lines (lines representing data values of equal value) that surround data points representing another data value that is less than the data point.

Therefore, since Hughes and Wong fail to teach or suggest all of the limitations of claims 1 and 8, claims 1-5 and 8-12 are allowable over Hughes in view of Wong.

CONCLUSION

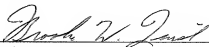
Applicant has made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 1-5 and 8-12 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: March 1, 2010



Brooke W. Quist
Reg. No. 45,030
STEPTOE & JOHNSON LLP
2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel 310.734.3200
Fax 310.734.3300